



DETERMINATION

Case reference:	ADA 2713
Referrer:	North Somerset Council
Admission Authority:	The governing body of Burrington Church of England Voluntary Aided Primary School, Burrington, North Somerset
Date of decision:	16 October 2014

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body for Burrington Church of England Voluntary Aided Primary School for admission in September 2015. I determine that they do not conform with the requirements relating to admission arrangements.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

The referral

1. An objection to the admission arrangements (the arrangements) for Burrington Church of England Voluntary Aided Primary School, (the school) for September 2015 was received on 30 June 2014 by the Office of the Schools Adjudicator. The objection was from North Somerset Council (the local authority). The objection had several parts which were:
 - i) 6.1 of the arrangements does not state that each child added to the waiting list will require the list to be re-ranked again in accordance with the published over subscription criteria – so does not appear to comply with paragraph 2.14 of the School Admissions Code (the Code).
 - ii) 6.2 of the arrangements states that '*Children must be of statutory school age when applications are made*'. This would appear to not conform with paragraph 2.17 of the Code as it would preclude parents of some children applying for admission outside their normal age group.

iii) 6.5 of the arrangements states that governors will not allocate a place to anyone moving into the country from abroad prior to their arrival in the country and so does not comply with paragraph 1.8 of the Code that states that criteria must be procedurally fair, as it would disadvantage people moving from abroad, particularly those who already have homes in the UK.

iv) 6.9 and 2.3 of the arrangements refer to a supplementary information form but one is not included as part of the arrangements, so does not comply with paragraph 5 of the Code and the footnote 4.

v) 6.9 states that the supplementary information form may be submitted to the school office but 3.2 of the arrangements says it should be submitted to the home local authority (which is also in line with the North Somerset Coordinated Admission Scheme).

2. The local authority withdrew its objection on 31 July 2014 as it was satisfied appropriate amendments had been made to the arrangements. However, by that time I had considered the arrangements as a whole and had come to the view that there were other matters that may not conform with the Code.

Jurisdiction

3. The arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school. The objection was properly made in accordance with the Act, but was then withdrawn on 31 July 2014. I had by then looked at the arrangements and considered there may be matters that do not conform with the requirements relating to admission arrangements. As the arrangements have been brought to my attention I have used my power under section 88I(5) of the Act to consider the arrangements as a whole.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.
5. The documents I have considered in reaching my decision include:
 - a) the letter of referral dated 30 June 2014, correspondence relating to the objection from the local authority, and withdrawal of the objection on 31 July 2014 by the local authority;
 - b) the school's response to the referral of 22 July, information available on the school's website and the school's responses to my enquiries;
 - c) the local authority's responses to my enquiries;

- d) the local authority's composite prospectuses for parents seeking admission to primary schools in the area in September 2014 and September 2015;
- e) a response from the Diocese of Bath and Wells (the diocese) to my question on its guidance to schools within the diocese;
- f) a copy of the minutes of the governing body's meeting on 20 March 2014 at which the arrangements were determined; and
- g) a copy of the determined arrangements for September 2015.

Other matters

- 6. The objection was withdrawn as changes were made to the arrangements by the school which satisfied the local authority that the matters which had given it concern had been addressed. I had already made enquires on other matters which I considered may not meet the requirements of the Code. These matters are: difficulty in finding the arrangements on the school's website; inconsistency between the information on the school's website and the supplementary information form; information on the school's website that implies children in the reception year cannot attend school full-time until the fifth week of the autumn term; and a lack of clarity that parents can request part-time education for children joining the school in reception.

Background

- 7. Burrington Church of England Voluntary Aided Primary School is within the Diocese of Bath and Wells. The school describes itself as a small rural primary school. Its published admission number is 15. The governors determined the admission arrangements at their meeting on 20 March 2014. The school employs a consultant to advise them on admission matters who provided some of the responses that I received to my enquiries.
- 8. I asked the diocese for a copy of the guidance it gives to its schools. The diocese informed me that it offers advice and training; reviewed admission arrangements to ensure that they are compliant before they are published; and employs the same consultant as the school to lead on these matters.
- 9. The local authority made its objection on 30 June 2014. When the local authority withdrew its objection on 31 July 2014, I had already considered the arrangements as a whole and made enquiries about other matters which I felt may not conform to the requirements of the Code.

Consideration of factors

10. Paragraph 3.2 of the Code says that, "*Local authorities must refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful.*" The local authority has therefore carried out its duty in referring concerns to the Office of the Schools Adjudicator.
11. I have compared the admission arrangements as described by the local authority with those published now and considered the matters raised in the objection. Some changes were made by the school immediately following the objection and so had been addressed before I had seen the original arrangements as determined by the school.
12. The local authority's objection included that the arrangements did not state that each child added to the waiting list will require the list to be ranked again in accordance with the published over subscription criteria and so did not comply with paragraph 2.14 of the Code. The arrangements on the school's website in September 2014 do state that, "*Each child added to the waiting list will require the waiting list to be re-ranked.*" The arrangements now comply with the Code in this regard.
13. The local authority's objection included that the arrangements stated that '*Children must be of statutory school age when applications are made*'. The local authority was concerned that this would not meet paragraph 2.17 of the Code as it would preclude parents of some children applying for admission outside their normal age group. The relevant part of paragraph 2.17 of the Code states, "*Parents of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group.*"
14. The arrangements on the school's website September 2014 say, "*The governors will consider applications on a case by case basis for 'retained' or 'accelerated' entry in circumstances where parents would like their child to be admitted to a year group either side of the chronological age year group. The reasons for the request must be fully explained in writing and included with the school place application form.*" The sentence, '*Children must be of statutory school age when applications are made*' is no longer part of the arrangements which is appropriate as applications for reception places are normally made before children are of statutory school age. The arrangements now comply with the Code in this regard.
15. The local authority's objection included that "*the arrangements state that governors will not allocate a place to anyone moving into the country from abroad prior to their arrival in the country – so does not comply with 1.8 [sic] of the Code that states that criteria must be procedurally fair, as it would disadvantage people moving from abroad, particularly those who already have homes in the UK.*" Paragraphs 2.18 and 2.19 of the Code are relevant here as 2.18 states the rights of

families of service personnel when returning from overseas and 2.19 provides information relating to children from overseas. The arrangements on the school's website in September 2014 have now addressed this concern.

16. The arrangements require the use of a supplementary information form with regard to the faith-based oversubscription criteria. Paragraph 5 establishes the responsibility of the governing body, where the school is the admission authority, to ensure that the admission arrangements comply with the Code. Footnote 4 to paragraph 5 says, "*Admission arrangements means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered.*" This therefore establishes the requirement that the supplementary information form, if required, is published with the admission arrangements.
17. The supplementary information form was not on the school's website when the objection was made 30 June 2014. This does not conform with the Code. Paragraph 1.46 of the Code states, "*All admission authorities **must** determine admission arrangements by 15 April every year.*" Paragraph 1.47 of the Code states, "*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website.*" The supplementary information form is now on the website, but should have been published with the rest of the arrangements when the arrangements overall were determined.
18. The local authority was concerned that the arrangements say that, "*the Supplementary Information Form may be submitted to the school office but 3.2 of the arrangements states they should be submitted to the home local authority (which is also in line with the North Somerset Coordinated Admission Scheme).*" The supplementary form now says that forms should be returned to the local authority and the arrangements are consistent in this regard.
19. Paragraph 3.6 of the Code says, "*Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements.*" I am satisfied that the amendments made by the school to the arrangements after determination are permitted by this paragraph of the Code.

Other matters

20. I requested information and clarification from the school on matters that had come to my attention when I reviewed the whole of the arrangements.

21. When the initial objection was referred to me I looked on the school's website for its arrangements. They were not easy to find. When the local authority asked to withdraw its objection I looked again at the school's website to see what changes had been made to the arrangements. Again it was difficult to locate the arrangements. I raised this matter with the school. The school wrote on 17 September 2014 and said, "*This point is noted and an adjustment has been made to the website to clarify this for parents.*"
22. In writing this determination I have looked again and the arrangements are now more apparent. The school has acknowledged that its website needed work to make it accessible to parents who wish to find information about admissions. Paragraph 14 of the Code says that, "*Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.*" This will not be possible if parents have difficulty finding the arrangements.
23. The admission arrangements for 2015 defined, in relation to faith, regular attendance as '*attending the place of worship at least twice per month for a minimum period of six months prior to application.*' The supplementary form defined regular attendance in its guidance to priests as, '*at least once per month and has done so for a minimum of 12 months prior to the date of the school place application.*' This does not meet the requirement of paragraph 14 of the Code that, "*In drawing up their arrangements, admission authorities **must** ensure that the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.*" This inconsistency and therefore lack of clarity in the determined admission arrangements has now been addressed.
24. I asked the school to explain what was meant in its prospectus where it says, "*From September, children are in school on a part-time basis gradually increasing the amount of time they are in school until they are full-time by the fifth week of term.*" I also asked for an explanation of the arrangements which say, "*Any flexible start arrangements operated for children joining the school in September will also apply for deferred entry children.*" It was not clear to me that full-time education was being provided for these children.
25. On 13 August 2014 the school responded that, "*As it stands, the intention is that a parent who has chosen to defer entry for their child, on the grounds that he/she is not yet five, may 'benefit' from a flexible start in the same way that all other children can when joining the Reception year group. From the start of the term following the child's fifth birthday, he/she must, of course, be accessing full time education.*"
26. I received another response from the school 17 September 2014 which said, "*The governors accept that five weeks is possibly rather a lengthy period of time over which to operate a flexible entry plan. However, this is undertaken in the interests of the children concerned and does not prevent parents from requesting full time education from the start of*

term. The governors are prepared to reword in order to provide added clarity and to reduce the flexible start arrangement to just the first 10 school days if so required."

27. The local authority provided me with its comments on the response from the school on 19 September and said, "*In view of Para. 2.16b) of the Code that states that parents can request part-time education until compulsory school age, should full-time education be automatically provided, unless the parent requests part-time rather than the other way around?*" The Code is clear that it is for parents to request part-time or deferred entry up until their child reaches compulsory school age and that schools must provide full-time education from the beginning of the term in September. The school must revise its arrangements so that they conform with the Code and meet statutory requirements.
28. I asked for comment on the omission of the possibility of requesting part-time attendance when children are not of school age. This is defined in paragraph 2.16(b) of the Code which states, "*Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that parents can request that their child takes up the place part-time until the child reaches compulsory school age.*"
29. The school responded on 17 September 2014 and said, "*This is inferred in 'Any flexible start arrangements operated for children joining the school in September*' *This is explored on a case by case basis in the best interests of the child. The starting point is what is being proposed by parents as being the most suitable arrangement for their child(ren).*" I do not agree that the right to request part-time entry is inferred by the statement in the arrangements. The school said that it was willing to adjust its wording in order to ensure clarity on this point. The school must make this simple requirement of the Code clear.

Conclusion

30. The school has addressed the matters on which the local authority made its objection. The arrangements do not comply with the Code on other matters as detailed above and need to be amended.

Determination

31. In accordance with section 88(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body for Burrington Church of England Voluntary Aided Primary School for admission in September 2015. I determine that they do not conform with the requirements relating to admission arrangements.

32. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.

Dated: 16 October 2014

Signed:

Schools
Adjudicator: Mrs Deborah Pritchard